

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

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ALAN D. SCHEINKMAN, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
MARK C. DILLON
JEFFREY A. COHEN, JJ.

2020-00446

DECISION & ORDER ON MOTION

In the Matter of Alex G. Antzoulatos,
an attorney and counselor-at-law.

Grievance Committee for the Second, Eleventh,
and Thirteenth Judicial Districts, petitioner;
Alex G. Antzoulatos, respondent.

(Attorney Registration No. 4870978)

Motion by the Grievance Committee for the Second, Eleventh, and Thirteenth Judicial Districts to immediately suspend the respondent from the practice of law, pursuant to Judiciary Law § 90 and 22 NYCRR 1240.9(a)(1) and (3), upon a finding that he is guilty of professional misconduct immediately threatening the public interest, and to appoint a Special Referee, to hear and report. The Grievance Committee served and filed a notice of petition and a verified petition, both dated January 14, 2020, and the respondent served and filed a verified answer dated March 8, 2020. The respondent was admitted to the Bar at a term of the Appellate Division of the Supreme Court in the Second Judicial Department on January 26, 2011.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the motion is granted; and it is further,

ORDERED that pursuant to 22 NYCRR 1240.9(a)(1) and (3), the respondent, Alex G. Antzoulatos, is immediately suspended from the practice of law in the State of New York, pending further order of the Court; and it is further,

ORDERED that the respondent, Alex G. Antzoulatos, shall promptly comply with this Court's rules governing the conduct of disbarred or suspended attorneys (*see* 22 NYCRR 1240.15); and it is further,

September 16, 2020

MATTER OF ANTZOULATOS, ALEX G.

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ORDERED that pursuant to Judiciary Law § 90, during the period of suspension and until further order of this Court, the respondent, Alex G. Antzoulatos, is commanded to desist and refrain from (1) practicing law in any form, either as principal or agent, clerk, or employee of another, (2) appearing as an attorney or counselor-at-law before any court, Judge, Justice, board, commission, or other public authority, (3) giving to another an opinion as to the law or its application or any advice in relation thereto, and (4) holding himself out in any way as an attorney and counselor-at-law; and it is further,

ORDERED that if the respondent, Alex G. Antzoulatos, has been issued a secure pass by the Office of Court Administration, it shall be returned forthwith to the issuing agency and the respondent shall certify to the same in his affidavit of compliance pursuant to 22 NYCRR 1240.15(f); and it is further,

ORDERED that the issues raised are referred to Roger Bennet Adler, c/o Roger Bennet Adler, P.C., 233 Broadway, Ste. 1800, New York, NY 10279, as Special Referee, to hear and report, with the hearing to be completed within 60 days of the date of this decision and order on motion, or as soon thereafter as practicable, and the report, which contains his findings on the issues and charges, to be submitted within 60 days after the conclusion of the hearing or the submission of post-hearing memoranda.

We find, *prima facie*, that the respondent is guilty of professional misconduct immediately threatening the public interest based on the respondent's default in responding to a notice to appear for an examination under oath (hereinafter EUO) and his failure to cooperate with the lawful demands of the Grievance Committee for the Second, Eleventh, and Thirteenth Judicial Districts in connection with six investigations of the respondent's professional conduct.

By letter dated August 6, 2018, the Grievance Committee notified the respondent that an investigation had been commenced based upon a dishonored check complaint from the New York State Lawyers' Fund for Client Protection. The complaint stated that on June 22, 2018, a \$10,658.44 check drawn on his escrow account was returned due to insufficient funds. The respondent was asked to submit a written answer to the allegations and provide, *inter alia*, escrow records for the six months preceding the date of the dishonored transaction, within 20 days of his receipt of the letter. No response was received by the Grievance Committee. A second request was sent to the respondent by letter dated September 11, 2018, advising him to submit a written answer to the allegations and provide escrow records to the Grievance Committee by October 1, 2018. A further request was made by letter dated September 19, 2018, sent to the respondent's home address, via regular mail and certified mail, which asked him to submit a written answer to the allegations and provide, *inter alia*, escrow records to the Grievance Committee within 10 days of his receipt of the letter. The Grievance Committee asserts that the certified letter was accepted for delivery on September 22, 2018. The Grievance Committee did not receive any response from the respondent.

On September 7, 2018, the Grievance Committee received a complaint of professional misconduct from Nick Toumbekis, who represented the buyer in a cancelled real estate transaction. Toumbekis alleged that the respondent failed to return a \$45,000 down payment after the transaction

was cancelled. By letter dated September 27, 2018, sent via regular mail to the respondent's office and home address, the Grievance Committee requested that the respondent submit a written answer to the Toumbekis complaint within 10 days of his receipt of the letter. The letter sent to the respondent's office address was returned to the Grievance Committee and marked with a notation that the Postal Service was "unable to forward," and the letter sent to his home address was not returned. Staff counsel to the Grievance Committee left messages for the respondent at his Astoria office on October 5, 2018, and his new office, in Long Island City, New York, as reflected in his attorney registration records with the Office of Court Administration, on October 10, 2018. No response was received from the respondent. The Grievance Committee sent two letters dated October 10, 2018, and October 12, 2018, respectively, via regular mail to the respondent's office in Long Island City, directing him to submit a written answer to the allegations and asking him to provide the outstanding information by October 25, 2018. The second letter provided the respondent with additional correspondence from Toumbekis.

After receiving an extension, the respondent provided separate answers to the dishonored check complaint and the Toumbekis complaint, both dated October 31, 2018. The respondent did not provide his escrow records.

On November 28, 2018, the Grievance Committee received a complaint of professional misconduct from Emilio E. Perez alleging that the respondent neglected Perez's legal matter (hereinafter the Perez complaint). By letter dated December 14, 2018, sent via regular mail to the respondent's office address, the Grievance Committee asked the respondent to submit a written answer to the Perez complaint within 10 days of his receipt of the letter. On January 4, 2019, staff counsel left a voice message at the respondent's office and sent a text message to the respondent's cellphone. By letter dated January 9, 2019, sent via regular mail and certified mail to the respondent's office address, the Grievance Committee asked the respondent to submit an answer to the Perez complaint within 10 days of his receipt of the letter. The letter sent via regular mail was not returned, and the letter sent via certified mail was accepted for delivery on January 14, 2019. The Grievance Committee did not receive any response from the respondent.

After receiving notice that the respondent had not received the Perez complaint, on February 8, 2019, the Grievance Committee sent another copy of that complaint, via regular mail and certified mail, to the respondent's office, asking the respondent to submit a written answer by March 1, 2019. The letter sent via certified mail was accepted for delivery on February 13, 2019. The Grievance Committee did not receive any response from the respondent.

On March 28, 2019, the Grievance Committee sent a letter to the respondent's office, via regular mail and certified mail, requesting that he contact staff counsel to the Grievance Committee by April 4, 2019, to schedule an EUO. The respondent was informed that if he failed to contact the Grievance Committee, a date for his EUO would be selected for him and he would be notified by letter. The letter via regular mail was not returned and the letter sent via certified mail was accepted for delivery on April 1, 2019. The Grievance Committee did not receive any response from the respondent.

On April 5, 2019, the Grievance Committee sent a letter to the respondent's office

via regular mail and certified mail, directing him to appear for his EUO on April 24, 2019, at 10:00 a.m. The respondent was directed to bring, inter alia, his escrow records, his complete case file pertaining to the real-estate transaction pertaining to the Toumbekis complaint, and his case file regarding his representation of Perez. The respondent was advised that if he failed to appear, the Grievance Committee could move for the immediate suspension of his license to practice law. The Grievance Committee stated that the letter sent via certified mail was accepted for delivery on April 9, 2019, and the letter sent via regular mail was not returned. To confirm the EUO, staff counsel to the Grievance Committee left two messages on April 17, 2019.

Upon the respondent's request, the EUO was adjourned to May 3, 2019. The new EUO date was confirmed by email and letter sent via regular mail to the respondent's office on April 19, 2019. The respondent was directed to bring his escrow records, his complete case file for the real estate sale referenced in his answer to the dishonored check complaint, his complete case file pertaining to the real estate transaction pertaining to the Toumbekis complaint, and his case file regarding his representation of Perez. The respondent acknowledged receipt of the email, and the letter sent via regular mail was not returned.

On April 29, 2019, the respondent's office manager emailed the Grievance Committee advising that the respondent had been admitted to a hospital on April 28, 2019, and that he would be hospitalized for at least 10 days, and requesting that the respondent's EUO be rescheduled. The Grievance Committee notified the respondent that the EUO had been cancelled and requested that he contact the Grievance Committee upon his discharge. Thereafter, upon the respondent's request, the EUO was adjourned to May 29, 2019.

On May 29, 2019, the respondent appeared, but requested an adjournment because he was not feeling well. Staff counsel to the Grievance Committee informed him that he would not grant any further adjournments. At his EUO, the respondent provided his answer to the Perez complaint, but did not bring the other documents that had been requested by the Grievance Committee. The respondent agreed to provide the outstanding records, as well as additional documents requested by the Grievance Committee during the EUO, no later than June 3, 2019. No response was received from the respondent. On June 5, 2019, the Grievance Committee sent a letter to the respondent's office via regular mail and certified mail, requesting documents concerning 16 items that remained outstanding. The letters were not returned. No response was received from the respondent.

Between July 2019 and August 2019, the Grievance Committee received three additional complaints against the respondent.

The Grievance Committee received a complaint of professional misconduct from Joseph Ametrano, dated July 4, 2019, alleging that the respondent neglected his legal matter (hereinafter the Ametrano complaint). By letter dated July 22, 2019, sent via regular mail to the respondent's office, the Grievance Committee notified the respondent of the Ametrano complaint and requested that he submit an answer within 10 days of his receipt of the letter. A second request was made by letter dated July 25, 2019, sent via regular mail and certified mail, to the respondent's office reminding the respondent of his need to provide the outstanding information by August 6,

2019. Neither letter was returned.

The Grievance Committee received a complaint of professional misconduct from Calogera Lalicata, dated July 12, 2019, alleging that the respondent engaged in conduct involving dishonesty, fraud, deceit, and/or misrepresentation (hereinafter the Lalicata complaint). By letter dated July 30, 2019, sent via regular mail to respondent's office, the Grievance Committee notified the respondent of the Lalicata complaint and requested that he submit an answer within 10 days of his receipt of the letter. The letter was not returned.

By letter dated August 5, 2019, the respondent advised the Grievance Committee that his health had restricted him from practicing law and that since the beginning of June he had been in and out of the hospital. The respondent attached, inter alia, hospital papers showing that he had been hospitalized from June 30, 2019, through July 22, 2019, and again for several days in August 2019. The respondent estimated that he would return to the office in mid-September 2019.

The Grievance Committee received a complaint of professional misconduct from Krsto Bulajic, dated August 8, 2019, alleging that the respondent engaged in conduct involving dishonesty, fraud, deceit, and/or misrepresentation (hereinafter the Bulajic complaint). By letter dated August 23, 2019, sent to the respondent's office via regular mail, the Grievance Committee notified the respondent of the Bulajic complaint and requested that he submit a written answer within 10 days of his receipt of the letter. The letter was not returned. No response was received from the respondent.

On September 6, 2019, the Grievance Committee sent a letter to the respondent's office via regular mail and certified mail, requesting that the respondent submit answers to the Ametrano, Lalicata, and Bulajic complaints and provide the outstanding documents to the Grievance Committee no later than September 25, 2019. Neither letter was returned, and no response was received from the respondent. On October 2, 2019, the Grievance Committee sent a letter to the respondent's office via regular mail and certified mail, enclosing a copy of the September 6, 2019, letter and directing the respondent to appear for a second EUO on October 24, 2019. Neither letter was returned, and no response was received from the respondent. The respondent did not appear for the EUO.

On November 3, 2019, the respondent emailed the Grievance Committee that he had returned to work, that he was aware of the three new complaints, and that he was working on his answers and would provide them as soon as possible. The respondent explained that he would be available on December 12, 2019, for his second EUO, provided that his health improved. On November 6, 2019, the Grievance Committee informed the respondent via email that his final deadline for his submissions was November 14, 2019, and that once he complied by providing his answers and the outstanding documents, he would be contacted to schedule the second EUO. The Grievance Committee did not receive any response from the respondent.

According to the Grievance Committee, the respondent did not provide written answers to the Ametrano, Lalicata, and Bulajic complaints. Among other things, the respondent has not provided the outstanding escrow records, case files, and documents the Grievance Committee

sought and has not appeared for his second EUO.

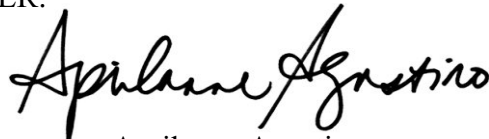
The respondent opposes the motion and asserts that the allegations against him are false. The respondent requests that this Court order new EUOs and a hearing to address any compliance issue, and he avers that a suspension will cause irreparable harm and catastrophic damages to his cases. The respondent acknowledges that his medical condition slowed down the Grievance Committee's investigation, but that his actions were unintentional. Among other things, the respondent contends medical issues prevented him from appearing for the EUO on October 24, 2019. The respondent asserts that he has recovered from his many ailments and can resume his duties.

Although he avers that he made "all diligent efforts to comply" with the Grievance Committee's requests, the respondent does not explain or document his efforts to comply with the requests. The respondent does not explain whether he provided the Grievance Committee with, among other things, his escrow records, his complete case file for the real-estate sale referenced in his answer to the dishonored check complaint, his complete case file pertaining to the real-estate transaction pertaining to the Toumbekis complaint, and the additional documents that the Grievance Committee requested during the respondent's first EUO on May 29, 2019. Many of the documents that the respondent attaches to his opposition papers are documents that the Grievance Committee provided to him or documents that the Grievance Committee already received.

Based on the foregoing, the respondent is immediately suspended from the practice of law pursuant to 22 NYCRR 1240.9(a)(1) and (3), pending further order of this Court, and the matter is referred to a Special Referee, to hear and report.

SCHEINKMAN, P.J., MASTRO, RIVERA, BALKIN and COHEN, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "Aprilanne Agostino". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Aprilanne Agostino
Clerk of the Court